

# **EXHIBIT 16**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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WAYMO LLC,

Plaintiff,

Case

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF RHIAN MORGAN

VOLUME IV

TUESDAY, NOVEMBER 21, 2017

Reported by:

Anrae Wimberley

CSR No. 7778

Job No. 2759380

PAGES 378 - 419

1 receipts to counsel?

2 MS. DEARBORN: You can say when.

3 THE WITNESS: I think about two weeks ago. A  
4 week ago. A week or two. I don't remember. The  
5 last couple of weeks are a blur.

6 BY MS. COOPER:

7 Q. Try to just answer the questions based on  
8 your own memory, not based on anything that your  
9 counsel is nodding to you.

10 MS. DEARBORN: Objection to form. I didn't  
11 nod.

12 THE WITNESS: Like I said, I think somewhere  
13 between one and two weeks ago.

14 BY MS. COOPER:

15 Q. Okay. How did you -- can you describe the  
16 circumstances under which you found these three  
17 additional receipts?

18 A. Yeah, of course.

19 I was looking for some forms in my house  
20 to do my taxes. I had filed an extension and they  
21 were due I think October 15th or 16th. I was of  
22 course doing them the day that they were due and was  
23 looking for all of my W-2's, my -- the form you get  
24 for your health care insurance to prove you have  
25 insurance for the year for whatever companies you've

1     worked for.

2                   I was looking through a big box of  
3     documents that I have in my house and I happened to  
4     come across these that must have been filed away  
5     somewhere.

6           Q.     So if I heard you right, did you find them  
7     around October 15th or 16th when you were doing your  
8     taxes and collecting documents for your taxes?

9           MS. DEARBORN:  Objection to form.

10                   You can answer.

11           THE WITNESS:  Correct, yes.

12     BY MS. COOPER:

13           Q.     But then you waited about a month before  
14     providing them to Uber; is that right?

15           MS. DEARBORN:  Objection to form.

16           THE WITNESS:  I don't believe it was a full  
17     month.  I think it was two or three weeks until I  
18     met with counsel next, and I thought I should  
19     mention them.

20     BY MS. COOPER:

21           Q.     Is there any reason you didn't mention  
22     them sooner?

23           A.     Not specifically.  I had turned in the  
24     other receipt previously and hadn't heard anything  
25     about it since.  But in the context of, you know,

1 sitting down, I thought why not bring it up.

2 Q. And when you provided these three  
3 additional receipts to counsel, who did you give  
4 them to?

5 MS. DEARBORN: You can say who, but again  
6 please don't reveal the contents of attorney-client  
7 privileged communications.

8 THE WITNESS: I handed them to Meredith.

9 BY MS. COOPER:

10 Q. Did you give all three receipts to  
11 Ms. Dearborn at the same time?

12 MS. DEARBORN: You can answer that.

13 THE WITNESS: Yes.

14 BY MS. COOPER:

15 Q. You mentioned you found these three  
16 receipts in a box while you were doing your taxes.

17 Was that box in your house?

18 A. Yes.

19 Q. So you found all three receipts in your  
20 house?

21 A. Um-hum. In my kitchen.

22 Q. Were they in a different spot than the  
23 original receipt that you provided to counsel in  
24 April?

25 A. I believe I mentioned previously I don't

1 BY MS. COOPER:

2 Q. Okay. Let's focus first on Exhibit 8951  
3 which is the February 26th Shred Works receipt.

4 So Ms. Morgan, what is this document?

5 A. It is a receipt from Shred Works.

6 Q. Is this your signature in the  
7 "name/company" line?

8 A. Yes, I believe it is.

9 Q. Is this a receipt from an instance when  
10 you personally went to Shred Works to dispose of  
11 some materials?

12 A. Yes.

13 Q. Do you remember, sitting here today, going  
14 to Shred Works on February 26th, 2016?

15 A. No, I don't. It was a long time ago now.

16 Q. Do you remember taking 19 hard drives and  
17 one box of tapes to Shred Works at any point in  
18 time?

19 A. I remember taking boxes of stuff, as I  
20 previously testified. And I believe I also  
21 previously testified I don't remember every time I  
22 went or everything I took each time. So, no, I  
23 don't specifically remember taking 19 hard drives  
24 and one box of tapes.

25 Q. Do you generally know what the hard drives

1 Q. And was it your general practice to try  
2 and pay with a credit card for expenses that you  
3 were taking on for Otto?

4 MS. DEARBORN: Objection to form.

5 THE WITNESS: I believe I paid a mix of  
6 different ways. Sometimes with credit card and  
7 sometimes with cash.

8 BY MS. COOPER:

9 Q. Okay. Let's go to the next one, 8952.  
10 Ms. Morgan, what is this document?

11 A. It is a credit card receipt.

12 Q. And is this the credit card receipt that  
13 corresponds with Exhibit 8951?

14 MS. DEARBORN: Objection to form.

15 THE WITNESS: I believe so, yes.

16 BY MS. COOPER:

17 Q. Do you recognize this as being your credit  
18 card, the one ending in 1827?

19 A. Yes, it is.

20 Q. Let's go to the March 1st, 2016 receipt,  
21 Exhibit 8954.

22 A. I don't think I have -- is that this one?

23 Q. Yes.

24 Okay. Ms. Morgan, what is this document?

25 A. This is another receipt from Shred Works.

1 Q. And is this your name or signature in the  
2 "name/company" field?

3 A. Yes, it is.

4 Q. Do you remember going to Shred Works on  
5 March 1st, 2016 to shred two hard drives?

6 A. No. Like I have testified, I don't  
7 remember the exact dates that I went to Shred Works.

8 Q. Do you remember going at any point to  
9 Shred Works to shred two hard drives?

10 A. No, I don't specifically remember that.

11 Q. Do you remember what these hard drives  
12 looked like as compared to any of the other hard  
13 drives you were shredding during this time period?

14 A. No, I don't.

15 Q. You paid with a credit card for this  
16 receipt as well; is that right?

17 A. It looks that way, yes.

18 Q. Do you have a credit card slip for this  
19 receipt like you had for the other one?

20 MS. DEARBORN: Objection to form.

21 THE WITNESS: I don't believe so.

22 BY MS. COOPER:

23 Q. Generally when you would go to Shred  
24 Works, would you stay and watch them shred the  
25 materials?



1     you to shred?

2           A.     No.

3           Q.     So like the other ones, those could have  
4     been blank but you wouldn't have known; is that  
5     right?

6           MS. DEARBORN:   Objection to form.

7           THE WITNESS:   Correct.   They could have been  
8     blank or they could have had information on them.

9     BY MS. COOPER:

10          Q.     Do you remember anything unique about the  
11     hard drives Lior was giving you as opposed to the  
12     hard drives that Anthony was giving you?

13          A.     I don't.   I don't remember anything  
14     specifically about those hard drives.

15          Q.     Do you remember if they were the same type  
16     of hard drive?

17          A.     I don't remember.

18          Q.     Okay.   Let's do the last one.   This is  
19     Exhibit 8953 for the record.

20                 So Ms. Morgan, what is this document?

21          A.     This is another receipt from Shred Works.

22          Q.     It's dated March 14th, 2016; is that  
23     right?

24          A.     Correct.

25          Q.     And is that your signature in the

1 "name/company" field?

2 A. Yep, looks like it.

3 Q. Do you remember going to Shred Works on  
4 March 14th, 2016?

5 A. No. Like I testified previously, I don't  
6 remember the specific dates of when I went to Shred  
7 Works.

8 Q. Do you remember if these five hard drives  
9 came from Anthony as opposed to anyone else?

10 A. No. I don't remember if it was Anthony or  
11 Lior, but it was only those two.

12 Q. Do you remember anything specific about  
13 these five hard drives that you brought to get  
14 shredded on March 14th, 2016?

15 A. No, I don't. I don't specifically  
16 remember this drop-off on this date.

17 Q. For this receipt, you paid in cash; is  
18 that right?

19 A. Yes, I did.

20 Q. Why did you pay in cash this time?

21 MS. DEARBORN: Objection to form.

22 THE WITNESS: I think there are two reasons. I  
23 had cash with me, which is what I believe I've  
24 previously testified that sometimes I would pay cash  
25 and sometimes I would pay credit.

1 FEDERAL CERTIFICATE OF DEPOSITION OFFICER  
2 I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby  
declare:

3 That, prior to being examined, the witness  
named in the foregoing deposition was by me duly  
4 sworn pursuant to Section 30(f)(1) of the Federal  
Rules of Civil Procedure and the deposition is a  
5 true record of the testimony given by the witness;

6 That said deposition was taken down by me in  
shorthand at the time and place therein named and  
7 thereafter reduced to text under my direction;

8 ----- That the witness was requested to  
review the transcript and make any changes to the  
9 transcript as a result of that review pursuant to  
Section 30(e) of the Federal Rules of Civil  
10 Procedure;

11 ----- No changes have been provided by the  
witness during the period allowed;

12 ----- The changes made by the witness are  
13 appended to the transcript;

14 --X--- No request was made that the  
transcript be reviewed pursuant to Section 30(e) of  
15 the Federal Rules of Civil Procedure.

16 I further declare that I have no interest in  
the event of the action.

17 I declare under penalty of perjury under the  
18 laws of the United States of America that the  
foregoing is true and correct.

19 WITNESS my hand this 22nd day of November, 2017.  
20  
21  
22  
23  
24



25 ANRAE WIMBERLEY, CSR NO. 7778